

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JOHN-PIERRE BANEY,

Plaintiff,

v.

MICHAEL MUKASEY,

Defendant.

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Civil Action No. **3:06-CV-2064-L**

ORDER

Before the court is Plaintiff's Motion for the Appointment of Counsel, filed August 21, 2008. On September 25, 2008, the court referred the motion to United States Magistrate Judge Irma C. Ramirez for issuance of findings of fact and recommendations. On September 30, 2008, the Findings and Recommendation of the United States Magistrate Judge ("Report") was filed. Plaintiff has filed no objections to the Report.

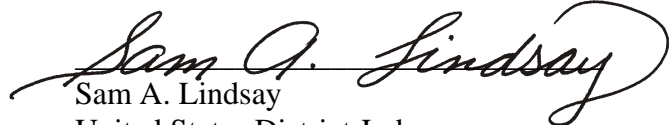
This is a *pro se* employment discrimination and civil rights action that the court dismissed on June 30, 2008. Plaintiff now moves the court to appoint counsel for the appeal of his case to the United States Court of Appeals for the Fifth Circuit. The magistrate judge found that Plaintiff has demonstrated an adequate ability to present his case and that the three factors set forth in *Gonzales v. Carlin*^{*} weighed against appointing counsel. Based on these findings, the magistrate judge recommended that the court deny Plaintiff's Motion for the Appointment of Counsel.

Having reviewed the magistrate judge's Report, the motions, briefs, record, and applicable law, the court determines that the findings and conclusions are correct. The magistrate judge's

^{*}907 F.2d 573 (5th Cir. 1990).

findings and conclusions are therefore **accepted** as those of the court. Accordingly, the court **denies** Plaintiff's Motion for the Appointment of Counsel.

It is so ordered this 20th day of October, 2008.


Sam A. Lindsay
United States District Judge